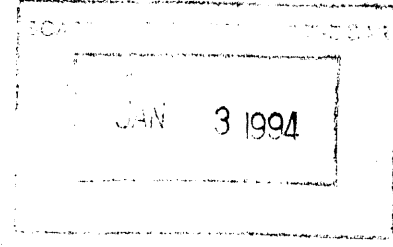


STATE OF MAINE



SUPREME JUDICIAL COURT

DOCKET NO. BAR-93-12  
DOCKET NO. BAR-93-18

BOARD OF OVERSEERS OF THE BAR

v.

RICHARD S. EDWARDS, ESQ.

**DECISION AND ORDER**

This matter was heard by the Court at Bangor on December 16, 1993 on informations filed by the Board of Overseers of the Bar against Richard S. Edwards. The Board was represented by Assistant Bar Counsel Karen G. Kingsley and the Respondent was represented by S. Peter Mills. The Respondent admitted the factual allegations contained in the informations, and acknowledged that a judgment has been entered against him in an action brought by his former clients entitled "Linda M. Brown and Rum Ridge Farms, Inc. v. Richard Edwards", Cumberland County Superior Court, Docket No. CV-92-674, and while offering an explanation for his conduct conceded that the explanations did not excuse his failures. The court concludes that Richard S. Edwards violated M. Bar R. 3.2(f) and 3.6(e) and M. Bar R. 3.7(b) and (e).<sup>1</sup> The Bar Rules "are intended to provide

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<sup>1</sup> 3.2 Admission, Disclosure and Misconduct

(f) Other Misconduct. A lawyer shall not:

(2) engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(3) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

appropriate standards for attorneys with respect to their practice of the

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### 3.6 Conduct During Representation

#### (f) \*Preserving Identity of Funds and Property.

(1) All funds of clients paid to a lawyer or law firm, other than retainers and advances for costs and expenses, shall be deposited in one or more identifiable accounts maintained in the state in which the law office is situated at a financial institution authorized to do business in such state. No funds belonging to the lawyer or law firm shall be deposited therein except as follows:

(i) Funds reasonably sufficient to pay institutional service charges may be deposited therein; and

(ii) Funds belonging in part to a client and in part presently or potentially to a lawyer or law firm must be deposited therein, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client; in that event the disputed portion shall not be withdrawn until the dispute is finally resolved.

\* Now 3.6(e)

(2) A lawyer shall:

(i) Promptly notify a client of the receipt of the client's funds, securities, or other properties;

(ii) Identify and label securities and properties of a client promptly upon receipt and place them in a safe-deposit box or other place of safekeeping as soon as practicable;

(iii) Maintain complete records of all funds, securities and other properties of a client coming into possession of the lawyer and render prompt and appropriate accounts to the client regarding them; and

(iv) Promptly pay or deliver to the client, as requested by the client, the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive.

### 3.7 Conduct During Litigation.

(b) Improper Concealment, Statement or Evidence. A lawyer shall not knowingly make a false statement, conceal information legally required to be revealed, or participate in the creation or preservation of false evidence.

#### (c) Adversary Conduct.

(1) In appearing in a professional capacity before a tribunal, a lawyer shall:

(i) Employ, for the purpose of maintaining the causes confided to the lawyer, such means only as are consistent with truth, and shall not seek to mislead the judge, jury, or tribunal by an artifice or false statement of fact or law;

profession of law, including, but not limited to their relationship with their clients, the general public, other members of the legal profession, the courts and other agencies of this State. A proceeding brought against an attorney under these rules shall be an inquiry to determine the fitness of an officer of the court to continue in that capacity. The purpose of such proceeding is not punishment but protection of the public and the courts from attorneys who by their conduct have demonstrated that they are unable, or likely to be unable, to discharge properly their professional duties." M. Bar R. 2

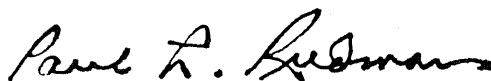
In determining the appropriate sanction for the violations found in this case, the court has considered Respondent's years of practice, his participation in the Volunteer Lawyers Project, and his willingness to accept court appointments. Although the Respondent conceded his violations of the rules and apologized to the court, these facts require that the Respondent be disbarred. The court, however, retains the right to consider a petition for reinstatement filed after the expiration of two years, provided the Respondent shall have satisfied the judgment entered against him in Cumberland County Superior Court, Docket No. CV-92-674.

It is ORDERED and ADJUDGED that Richard S. Edwards be and hereby is disbarred from the practice of law in the State of Maine. Such disbarment is to take effect thirty days after the entry of this order in accordance with the provisions of M. Bar R. 7.<sup>2</sup>

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<sup>2</sup> Counsel for both the Board of Overseers of the Bar and Mr. Edwards requested the court make a determination as to the violation of the Bar Rules in connection with Grievance Commission File No. 93-K-158 which results from a complaint brought against Mr. Edwards

Dated: December 30, 1993



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Paul L. Rudman  
Associate Justice

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by Camp Phoenix Owners' Association alleging certain conduct of Mr. Edwards to be in violation of M. Bar R. 3.4. The court has reviewed the materials submitted to a panel of the Grievance Commission. On the basis of the documents submitted, the court is unable to determine whether or not Mr. Edwards's conduct in connection with the matters described violates M. Bar R. 3.4 or any other rule. The court declines to rule in connection with this particular Grievance Commission file.